

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q65721

Praveen SHARMA, et al.

Appln. No.: 10/727,576

Group Art Unit: 1634

Confirmation No.: 8084

Examiner: Juliet Caroline SWITZER

Filed: December 5, 2003

For: METHOD OF PREPARING A STANDARD DIAGNOSTIC GENE TRANSCRIPT  
PATTERN

**STATEMENT OF SUBSTANCE OF INTERVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please review and enter the following remarks summarizing the interview conducted on  
January 4, 2010:

**REMARKS**

An Examiner's Interview Summary Record (PTO-413) was mailed January 8, 2010.

During the interview, the following was discussed:

1. Brief description of exhibits or demonstration: None
2. Identification of claims discussed: All pending
3. Identification of art discussed: Ralph *et al.*
4. Identification of principal proposed amendments: None
5. Brief Identification of principal arguments: None
6. Indication of other pertinent matters discussed: None

7. Results of Interview:

Applicants thank Examiner Switzer for conducting the telephone interview on January 4, 2010 with Ms. Elizabeth Jones, Dr. James Mackay, and Dr. Tu A. Phan-Kerr.

Dr. Mackay explained the fundamental difference between non-metastatic or pre-metastatic cancers such as very early stage breast cancer in comparison to metastatic cancers such as metastatic prostate and metastatic breast cancer, as disclosed in Ralph. Applicants and Dr. Mackay pointed to disclosures in Ralph to support their explanation that Ralph only contemplated detection of cancers that have reached metastatic potential or are metastatic, because such cancers would have begun to release cells, debris or cellular components into the blood system allowing for the detection of metastatic markers which would not be present in non-metastatic or pre-metastatic cancers. In this respect, one of ordinary skill in the art would not have had a reasonable expectation of success of detecting non-metastatic or pre-metastatic cancers based upon the disclosure of Ralph.

The Examiner indicated that she may issue a Notice of Allowance or a Final Office Action.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

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**It is believed that no petition or fee is required.** However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

/Tu A. Phan/

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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

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Date: January 15, 2010